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No. 83-1415

IN THE

Supreme Court of the United States

OCTOBER TERM, 1983

FRED M. GLOVER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

SUPPLEMENTAL BRIEF FOR PETITIONER IN SUPPORT OF A PETITION FOR A WRIT OF CERTIORARI

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Once again our closely documented assault upon the court of appeals' errant opinion has been met with silence. See Pet. 12 n.4 While the government's refusal to answer the petition is intended, no doubt, to convey the notion that our effort has floundered at the threshold, petitioner instead views this inaction as but the studied means to

avoid a difficult encounter. We consider this to be the correct angle of vision, because the government's no response response necessarily concedes, for present purposes, each and every error alleged in the petition. In this context, briefing skills would be exhausted by an attempt to defend, *inter alia,* an opinion bottomed on the assumption that two black males look alike, when a portion of the record sequestered by the lower court conclusively establishes that they do not even resemble each other. Accordingly, the government's unwritten, disturbing suggestion that the Court should also silently close ranks behind the court of appeals by denying the petition, deserves to be rejected. For that sought after result would surely generate the untoward appearance of a self-insulating review process, unresponsive to the impact of legitimate criticism.

Respectfully submitted,

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